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No. 19] MADRAS, WEDNESDAY, AUGUST 30, 1939

PUBLIC DEPARTMENT.

(Political.)

Islands—Foreigners Ordinance, 1939 (Ordinance No. 1 of 1939)—Applied.

Fort St. George, August 30, 1939
[G.O. Ms. No. 1408, Public (Political)].

No. 61.

In exercise of the power conferred by sub-section (1) of section 92 of the Government of India Act, 1935, His Excellency the Governor of Madras is pleased to direct that the Foreigners Ordinance (Ordinance No. 1 of 1939) shall have the like force in all the excluded areas in the Province of Madras specified in the Schedule to the Government of India (Excluded and Partially Excluded Areas) Order, 1936, as it has in other parts of the Province of Madras.

(By order of His Excellency the Governor)

H. M. HOOD,
Chief Secretary.

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mentioned in sub-rule (2), enclosed in the packet containing the list of challenged votes.

(6) The Election Officer, after instituting such inquiries as may be necessary, shall take steps to prosecute the person or persons whom he believes to be guilty of the offence of personation after obtaining the previous sanction, required by section 196 of the Code of Criminal Procedure, 1898, such sanction being obtained from the District Magistrate concerned. If it is found as a result of the judicial trial that the offence of personation has not been proved, the Election Officer shall decide whether the whole or part of the deposit shall be declared forfeit to the Municipal Council. In coming to a decision on this point the Election Officer shall be guided by the facts and conclusions recorded at the trial. If there is no judicial trial, the Election Officer shall, on his discretion, decide whether having regard to the relevant circumstances, the whole or part of the deposit shall be declared forfeit to the Municipal Council. The deposit or such portion thereof as has not been declared forfeit shall be returned to the person who made the deposit."

(x) To rule 24, the following paragraph shall be added at the end, namely:—

"Where such an elector has originally received more than one ballot paper, he shall not be given fresh ballot paper unless he delivers to the polling officer all the ballot papers he had originally received which shall, together with their counterfoils, be marked as 'cancelled'."

(xi) For rule 24-A, the following rule shall be substituted, namely:—

"24-A. (1) A polling officer, public servant or polling agent who being entitled to vote in the ward is duly appointed or authorized for duty at a polling station at which he is not ordinarily entitled to record his vote may apply to the Election Officer concerned for a certificate entitling him to record his vote at the polling station where he is employed. The said certificate shall be in Form VI B.

If a polling officer, public servant or polling agent is on duty at a polling station not relating to the ward in which he is entitled to record his vote the Election Officer shall in addition to the certificate mentioned above furnish the polling officer concerned with particulars regarding the number of votes which an elector is entitled to give and the names of and serial numbers and colours assigned to, the candidates standing for election in that ward, together with a ballot paper or ballot papers relating to such ward and an envelope in each of the colours assigned to such candidates.

The Election Officer shall in either case, forthwith send a copy of the certificate to the polling officer of the polling station at which the person to whom the certificate is issued is ordinarily entitled to record his vote.

(2) A person in possession of a certificate in the form prescribed in sub-rule (1) shall deliver the certificate to the polling officer who shall thereupon issue to the person, ballot papers in the same manner as to any other elector. Such ballot papers shall be dealt with in the following manner:—

(i) If the polling station at which the person is on duty relates to the ward in which he is entitled to vote, then the provisions contained in rules 16 and 17 shall apply. The polling officer shall at the end of the poll, send the certificate to the Election Officer along with the statement mentioned in rule 26.

(ii) If the polling station at which the person is on duty be not in the ward in which he is entitled to vote, the polling officer shall issue the ballot paper or papers with instructions similar to those contained in sub-rule (2) of rule 16. The person shall proceed into the polling compartment and place the ballot paper or each of the ballot papers in an envelope bearing the colour assigned to the candidate or each of the candidates for whom he wishes to vote. He shall then stick the envelope or envelopes and enclose the same in a cover and hand over the cover to the polling officer. The polling officer shall make up into separate packets for each ward the covers in which votes have been so recorded, the connected certificates being fastened to the covers, seal up each such packet in the manner specified in rule 25 and forward the same to the Election Officer."

(xii) In clause (a) of sub-rule (5) and in sub-rule (6) of rule 24-E, for the figures "13" the figures "12" shall be substituted.

(xiii) For rules, 25, 26 and 27, the following rules shall be substituted, namely:—

"25. (1) The polling officer shall close the polling station at the hour appointed for closing under rule (2) or sub rule (4) of rule 24-F, as the case may be, so as to prevent the admission thereto of any elector after that hour and no ballot paper shall be issued thereafter.

(2) The polling officer of each polling station, as soon as practicable after the close of the poll, shall, in the presence of any candidates or polling agents who may be present, make up into separate packets and seal with his own seal and the seals of such candidates or agents as may choose to affix their seals—

(i) each ballot box in use at such station unopened but with the key (which should also be sealed in the same manner as the ballot box) attached,
(ii) the tendered ballot papers,
(iii) the unused ballot papers,
(iv) the spoilt ballot papers,
(v) the marked copy of the electoral roll,
(vi) the counterfoils of the ballot papers,
(vii) the tendered votes list,
(viii) the list of challenged votes with the statement or statements mentioned in sub-rules (2) and (5) of rule 24, and
(ix) the covers referred to in clause (ii) of sub-rule (2) of rule 24-A

and shall forward such packets to the Election Officer.

(3) Each packet shall be numbered and shall bear a note as to its contents, the name of the polling station and the number of the ward. Where no vote has been recorded at any polling station the polling officer shall submit a nil report together with the statement in Form VII referred to in rule 26.

26. The packets shall be accompanied by a statement, in a separate cover, in Form VII made by the polling officer, showing the number of ballot papers entrusted to him, and accounting for them under the heads of ballot papers in the ballot boxes, unused, spoilt, and tendered ballot papers.

27. (1) The counting of votes shall commence on the day and at the place and hour appointed in that behalf. Votes shall be counted by, or under the supervision of, the Election Officer, and each candidate, the election agent of each candidate and one representative of each candidate authorized in writing by the candidate shall have a right to be present at the time of counting. No other person shall be allowed to be present except such persons as the Election Officer may appoint to assist him in counting votes and no person shall be appointed to assist in counting the votes, who has been employed by or on behalf of any candidate for any purpose whatsoever connected with the election.

(2) The Election Officer shall, before he commences to count the votes, read the provisions of section 14 of the Indian Election Offences and Inquiries Act, 1920, to such persons as may be present, and shall then proceed as follows:—

(a) The ballot box or boxes relating to all polling stations in the ward bearing the same serial number and colour and all envelopes of the same colour as those boxes, enclosed in covers which may have been received under rule 24-A shall be opened one after another. The Election Officer shall take out the ballot papers therefrom, count them and record the total number of votes secured by the candidate concerned in a statement. He shall then proceed similarly with the boxes and envelopes of each colour which may have been prescribed in the ward.

(b) The Election Officer shall allow the candidates and their agents reasonable opportunities to inspect, without handling, all ballot papers which in his opinion are liable to be rejected. He shall endorse on every ballot paper which is rejected the word "rejected". If any candidate or agent present questions the correctness of the rejection he shall also record on the ballot paper the grounds for the rejection.

(c) The Election Officer shall, as far as practicable, proceed continuously with the counting of the votes, and shall, during any necessary intervals during which the counting has to be suspended, place the ballot papers, packets and other documents relating to the election under his own seal and the seals of such candidates or agents as may desire to affix them, and shall cause adequate precautions to be taken for their custody.

27-A. (1) A ballot paper shall be rejected if it—

(a) bears any mark by which the elector can be identified, or

(b) does not bear the official stamp prescribed in rule 15, or

(c) bears the mark belonging to a ward different from that of the ballot box in which it is found:

Provided that a ballot paper dealt with under clause (ii) of sub-rule (2) of rule 24-A shall not be rejected merely on the ground that it bears the mark of a ward different from the one in which the elector is entitled to vote.

(2) If two or more ballot papers bearing the same serial number be found in a ballot box, they shall count only as one vote in favour of the candidate to whom that box is assigned.

(3) Except on the grounds mentioned in sub-rules (1) and (2) a ballot paper shall not be rejected.

(4) The decision of the Election Officer as to the validity of a ballot paper shall be final, subject only to reversal on an election petition."

(xiv) Rule 29 shall be omitted.

(xv) For rule 30, the following rule shall be substituted, namely:—

"30. (1) The Election Officer shall not open the sealed packets containing tendered ballot papers, the marked copy of the electoral roll or the counterfoils of the ballot papers. He shall verify the statement submitted by the polling officer under rule 26 by comparing it with the number of accepted ballot papers and of rejected ballot papers and the unused ballot papers in his possession.

(2) The Election Officer shall then make up into separate bundles in respect of each candidate—

(i) such of the ballot papers as have been accepted as valid; and

(ii) the remaining ballot papers which have been rejected as invalid. He shall then make up both the bundles into one packet and seal the packet with his own seal. He shall also reclose and reseal each of the other packets which were opened by him and record on each such packet a description of its contents."

(xvi) Rule 37 shall be omitted.

(xvii) For Forms III, IV, V, VI and VII, the following forms shall be substituted, namely:—

FORM III.

(*See* rule 8 (1)).

List of valid nominations.

Municipality. Ward.

Serial number. (1)	Name of candidates. (2)	Sex of candidates. (3)	Communities to which the candidates belong. (4)	Address of candidates. (5)	Distinctive colours assigned to candidates. (6)

Note.—The poll will be taken between and at the polling stations already notified.

Election Officer.

FORM IV-A.

(*See* rule 14.)

Municipality. Ward.

Serial number.	
Name and number of elector on the electoral roll	

FORM IV.

(*See* rule 15.)

Municipality. Ward.

Serial number.	

FORM V.

(*See* rule 22.)

Tendered votes list.

Name of polling station.

Number of ward.	Name of elector.	Number in electoral roll	Signature of elector, if literate, or thumb-impression of elector, if illiterate and address.

FORM VI.

(*See* rule 23.)

Declaration of personation.

I, (name), , hereby declare and undertake to prove that the person described below has, by applying for a ballot paper at this polling station, committed the offence of personation.

Description of the person.

Name.	Address.	Signature or thumb-impression.

Signature of candidate or agent.

Witnesses—

1. (Name and address) (Before me).
2. (Name and address)

Signature of polling officer.

FORM VI-A.

(*See* rule 23.)

List of challenged votes.

Name of polling station.

Signature sheet No.

Number of elector on electoral roll.	Name of elector.	Signature of elector, if literate, or thumb-impression of elector, if illiterate.	Signature and address of identifier, if any.

Order of polling officer (in each case).

Station.

Date.

Signature of polling officer

FORM VI-B.

(*See* rule 24-A.)

Form of authorization to vote outside polling area.

Certified that entitled to vote at ward for ward has been employed in connexion with the election for ward and is prevented from voting at the said station and that I have therefore authorized him to vote at

Station.

Date.

Signature of Election Officer.

FORM VII.

(See rule 24.)

Statement sent by polling officer at the ... municipality after the polling on ... 19 ... for the ... ward ... in

Description.	Number received.	Number of ballot papers in hand.	Number of ballot papers issued—Rule 24-A (2) (b)	Number of ballot papers—Rule 24-C (3)	Number unused.	Number spoilt.	Ballot papers dealt with under Rule 24-A (2) (c) or Rule 24-C (3)	Remarks.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Ballot papers.								

(xviii) Form VIII shall be omitted.

Fort St. George, March 24, 1938.
(G.O. No. 1048, Local Admn.).

No. 351.—

In exercise of the powers conferred by clauses (a) and (b) of sub-section (2) of section 189 of the Madras Local Boards Act, 1920 (Madras Act XIV of 1920), the Government of Madras are hereby pleased to make the following amendments to the rules for the conduct of elections of members in local boards published with Local Self-Government Department Notification No. 277, dated the 16th February 1932, at pages 146 to 164 of Part I-A of the *Fort St. George Gazette*, dated the 16th February 1932, as subsequently amended :—

AMENDMENTS.

I. Parts I and III of the said rules shall be omitted, and Parts II and IV shall be renumbered I and II respectively

II. In Part I of the said rules as so renumbered—

(i) For sub-rule (1) of rule 1, the following sub-rule shall be substituted, namely :—

"(1) The rules in this part shall apply to—
(a) all district boards;
(b) all panchayats which were union boards on the 25th August 1930; and
(c) such other panchayats as may be notified in this behalf by the Election Authority."

(ii) For the explanation to sub-rule (5) of rule 5, the following explanation shall be substituted, namely —

"*Explanation.*—A candidate is said to be duly nominated within the meaning of this sub-rule, in any constituency, if his nomination therefor is not rejected under sub-rule (2) of rule 7, notwithstanding the fact that he withdraws his candidature for such constituency within the time specified in sub-rule (1) of rule 9 or dies before the commencement of the poll therein."

(iii) (a) At the end of sub-rule (2) of rule 8, the following words shall be added, namely :—

" and also specify the distinctive colours assigned to them under sub-rule (4)."

(b) In the same rule, after sub-rule (3), the following sub-rule shall be added, namely :—

"(4) The Election Officer shall assign to each candidate one of the following colours, namely, red, green, blue and yellow, or where the number of candidates exceeds four, the colours aforesaid and in addition thereto, purple and such other distinctive colours (except black) as the Election Officer may determine."

(iv) In rule 10 the existing Explanation shall be numbered as Explanation I and the following shall be added as Explanation II, namely :—

"*Explanation II.*—In Cases II and III, where the election is held for filling up (i) a vacancy or vacancies reserved for any community or communities, and (ii) a vacancy or vacancies reserved for women, the procedure laid down in clauses (a) to (c) of Case II or in clauses (c) to (d) of Case III, as the case may be, shall first be followed in respect of the vacancy or vacancies reserved for the community or each of the communities concerned, and any woman declared to be duly elected to any seat reserved for any community shall be excluded from the rest of the election proceedings."

(v) Sub-rule (1) of rule 11 shall be omitted and sub-rule (2) of that rule shall be renumbered as rule 11.

(vi) For rule 12, the following rules shall be substituted, namely —

"12. (1) When a poll has to be taken, the Election Officer shall appoint forthwith one or more polling officers for each polling station and may pay them reasonable remuneration for their services. The Election Officer shall provide for each polling officer such number of clerks as may be necessary and may also, if necessary, appoint one or more identifying officers to assist the polling officer in identifying the electors. Polling officers shall neither be members of the local board concerned for the constituency for which the poll is to be taken nor registered electors therein, nor any person who is an officer or other employee of the district board or panchayat, as the case may be.

(2) The polling officer shall keep order at the polling station, shall see that the election is fairly conducted, shall regulate the number of electors to be admitted at one time, and shall exclude all other persons except—

(a) the candidates, and at each booth one agent of each candidate at a time (hereinafter referred to as the polling agent) appointed in writing by the candidate,
(b) the police or other public servants on duty, and
(c) his own clerks and such persons as the polling officer may from time to time admit for the purpose of identifying electors.

12-A. Each polling station and at a polling station having more than one polling booth each such booth shall contain a separate compartment in which electors can record their votes screened from observation except in so far as it may be necessary to ensure that the ballot papers are duly placed in boxes. As far as possible, separate compartments and separate entrances and exits shall, where action is not taken under rule 12-B be provided for women electors.

12-B. Notwithstanding anything hereinbefore contained, the Election Officer may, at his discretion, if a sufficient number of women suitable and willing to act as polling officers are available, provide a separate polling station for taking the votes of the women electors for any polling area or make such other arrangements as may be necessary to ensure the privacy of such electors. In such cases only women shall be appointed to act as polling officers in respect of the votes of the women electors concerned. Except the police or other public servants on duty, no candidate, agent of a candidate or other person who is not a woman shall be admitted into or be present at such polling station or the place where the votes of such women electors are taken, as the case may be."

(vii) For rule 13, the following rules shall be substituted, namely :—

"13. (1) The Election Officer shall provide in each polling compartment at each polling station, as many ballot boxes as there are candidates, the box of each candidate bearing the serial number and the distinctive colour or colours assigned to him. He shall also provide a sufficient number of envelopes bearing the distinctive colours assigned to the candidates and such other colours as may be necessary to give effect to clause (ii) of sub-rule (2) of rule 24, together with the necessary outer covers, copies of the electoral roll or such part thereof as contains the names of the electors entitled to vote at the station, and such other papers, stationery and forms as may be necessary. He shall further provide a board on which is displayed in bold and clear print the name of each candidate, the serial number and the colour or colours assigned to him and the number of vacancies for which the election is held.

(2) Every ballot box shall be so constructed that ballot papers can be introduced therein but cannot be withdrawn therefrom, without the box being unlocked.

13-A. (1) The polling officer at any polling station, immediately before the commencement of the poll, shall show each of the ballot boxes empty to such persons as may be present at such station so that they may see that it is empty, and shall then lock it up, and place his seal upon it in such manner as

Ballot papers,

to prevent its being opened without breaking such seal. He shall thereupon place the box so locked and sealed inside the polling compartment for the receipt of ballot papers, but screened from observation except in so far as it may be necessary to ensure that the ballot papers are duly placed in it.

The ballot boxes shall be arranged from left to right in the place set apart for the purpose and in the order in which the names are published in Form III."

(2) Before the polling station is opened for the recording of votes, the polling officer shall read to such persons as may be present the provisions of section 14 of the Indian Election Offences and Inquiries Act, 1920, and shall explain the substance thereof in the vernacular of the district."

(viii) Rule 14 shall be omitted.

(ix) For rules 15, 16, 17 and 18, the following rules shall be substituted, namely:—

"15. Ballot papers shall be in Form IV and shall have counterfoils attached to them which shall be in Form IV-A. They shall be serially numbered both on the foil and on the counterfoil. On each ballot paper the polling officer shall affix a stamp across the perforation between the foil and the counterfoil. Where the poll is taken for two or more seats, every one of the serial numbers shall be printed on as many ballot papers as there are seats, the first of such ballot papers shall bear the number alone and the remaining ballot papers shall bear the number with the capital letters of the English alphabet added after it in order.

Illustration.—If there are three seats for which a poll is taken, the serial numbering shall be 1, 1-A and 1-B, 2, 2-A and 2-B; 3, 3-A and 3-B, and so on.

16. (1) At elections for constituencies in which not more than one seat has to be filled, an elector shall be given only one ballot paper which shall be placed in the ballot box bearing the serial number and the colour assigned to the candidate for whom he desires to vote.

(2) At elections for constituencies in which more than one seat has to be filled, an elector shall be given as many ballot papers as there are seats to be filled and the polling officer shall explain to the elector—

(i) the number of candidates for whom he may vote;

(ii) that he may place one ballot paper in the ballot box of each of the candidates for whom he wishes to vote; and

(iii) that he should not place two or more ballot papers in the same ballot box.

(3) Immediately before any ballot paper or papers are delivered to an elector, the number, name and description of the elector as stated in the electoral roll shall be called out. The polling officer shall stamp the ballot paper or each of the ballot papers across the perforation between the ballot paper and the counterfoil with such mark as may be directed by the Election Officer and in the case of elections to a panchayat enter on the counterfoil or on the first of the counterfoils, as the case may be, the name and number of the elector on the electoral roll. He shall then detach it from the counterfoil and deliver it to the elector and shall place a mark on a copy of the electoral roll against the number of the elector to denote that he has received the ballot paper or papers, but without an indication of the particular ballot paper or papers which he has received.

17. The elector on receiving the ballot paper or papers shall forthwith proceed into the polling compartment and there place the ballot paper or papers in the ballot box or boxes according to his choice. Every elector shall vote without undue delay and shall quit the polling station as soon as he has voted. He shall not place anything except a ballot paper in any box. Anything other than ballot papers found in any box shall be forfeited to the local board concerned.

18. (1) If the polling officer is satisfied that an elector is incapacitated by blindness from voting in the manner prescribed in rule 17 the polling officer shall ascertain from the elector for which candidate or candidates he wishes to vote and shall, in the presence of any candidates or polling agents who may be present, place the ballot paper or papers in the box or each of the boxes bearing the serial number and the colour or colours assigned to the candidate or each of the candidates for whom he wishes to vote. Where the elector wishes to vote for a smaller number of candidates than he has votes, the surplus ballot paper or ballot papers together with the corresponding counterfoils shall be marked as cancelled.

(2) In the case of every elector whose ballot paper or papers are dealt with in the manner laid down in sub-rule (1), a note shall be made on the counterfoil by the polling officer, of the reason why the paper or papers were so dealt with."

(x) Rule 20 shall be omitted.

(xi) For rules 22 and 23 the following rules shall be substituted, namely —

"22. If a person representing himself to be a particular elector named on the electoral roll applies for a ballot paper after another person has voted as such elector, the applicant shall, after duly answering such questions as the polling officer may ask, be entitled to receive a ballot paper or ballot papers in the same manner as any other elector.

The polling officer shall write the word 'Tendered' in bold characters on the face of the ballot paper or each of the ballot papers before it is handed over to such person. On receipt of such ballot paper or papers (hereinafter referred to as tendered ballot papers) the elector shall proceed into the polling compartment and there place the ballot paper or each of the ballot papers in an envelope bearing the colour assigned to the candidate or each of the candidates for whom the applicant wishes to vote. He shall then stick the envelope or envelopes and enclose the same in a cover and hand it over to the polling officer. The polling officer shall make an endorsement containing the name of the elector and his number on the electoral roll and the name of the village or the name and number of the circle or ward for which the election is held, and shall set aside the cover in a separate packet, the ballot papers in which shall not be counted by the Election Officer. The name of the elector and his number in the electoral roll and the name or distinctive number of the polling station to which the roll relates shall be entered in a list in Form V which shall bear the heading 'Tendered votes list.' The person tendering such ballot paper or papers shall sign his name and address on that list or affix his thumb-impression thereto.

Explanation.—In cases falling under this rule to which rule 23 is also applicable, the provisions of this rule as well as of rule 23 shall be followed.

23. (1) If any candidate or polling agent declares and undertakes to prove that any person by applying for a ballot paper has committed the offence of personation, the polling officer shall call upon the candidate or agent bringing forward the charge of personation to deposit with him a sum of twenty rupees in cash. A separate deposit shall be required for proceeding with each charge of personation. If such deposit is not made, the polling officer shall ignore the challenge.

(2) Immediately the deposit required by sub-rule (1) has been made, the polling officer shall obtain a written statement in Form VI which shall be signed by the candidate or agent, as the case may be, and attested by two credible witnesses, in the presence of the polling officer.

(3) The polling officer shall then require the applicant for the ballot paper to enter in the list of challenged votes (which shall be in Form VI-A) his name and address or, if he is unable to write, to affix his thumb-impression thereto and may further require such person to produce evidence of identification.

(4) If the applicant for the ballot paper on being questioned in the manner provided in rule 21 gives unqualified answers to the first question in the affirmative and to the second in the negative, he shall be allowed to vote after he has been informed of the penalty for personation. The polling officer shall make a note of the circumstances and of his decision on the list of challenged votes.

(5) The polling officer shall, at the close of the poll, forward to the Election Officer the statement mentioned in sub-rule (2), enclosed in the packet containing the list of challenged votes.

(6) The Election Officer, after instituting such inquiries as may be necessary, shall take steps to prosecute the person or persons whom he believes to be guilty of the offence of personation after obtaining the previous sanction, required by section 196 of the Code of Criminal Procedure, 1898, such sanction being obtained from the District Magistrate concerned. If it is found as a result of the judicial